



General Assembly

**Amendment**

February Session, 2008

LCO No. 5371

**\*SB0048305371SD0\***

Offered by:

SEN. WILLIAMS, 29<sup>th</sup> Dist.

SEN. LOONEY, 11<sup>th</sup> Dist.

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SEN. HANDLEY, 4<sup>th</sup> Dist.

SEN. MCDONALD, 27<sup>th</sup> Dist.

SEN. STILLMAN, 20<sup>th</sup> Dist.

To: Senate Bill No. 483

File No. 267

Cal. No. 205

(As Amended by Senate Amendment Schedule "A")

**"AN ACT PROMOTING PATIENT SAFETY AND ACCESS TO PROVIDER INFORMATION BY EXTENDING THE STATE PHYSICIAN PROFILE TO CERTAIN OTHER HEALTH CARE PROVIDERS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective January 1, 2010*) (a) For the purposes of  
4 this section:

5 (1) "Department" means the Department of Public Health;

6 (2) "Physician" means a physician licensed pursuant to chapter 370  
7 of the general statutes; and

8 (3) "Health care provider" means: (A) A dentist licensed under

9 chapter 379 of the general statutes; (B) a chiropractor licensed under  
10 chapter 372 of the general statutes; (C) an optometrist licensed under  
11 chapter 380 of the general statutes; (D) a podiatrist licensed under  
12 chapter 375 of the general statutes; (E) a natureopath licensed under  
13 chapter 373 of the general statutes; (F) a dental hygienist licensed  
14 under chapter 379a of the general statutes; (G) an advanced practice  
15 registered nurse licensed under chapter 378 of the general statutes; or  
16 (H) a physical therapist licensed under chapter 376 of the general  
17 statutes. "Health care provider" does not include a physician.

18 (b) The department, after consultation with the Connecticut Medical  
19 Examining Board, the Connecticut State Medical Society, or any other  
20 appropriate state board, shall, within available appropriations, collect  
21 the following information to create an individual profile on each health  
22 care provider for dissemination to the public:

23 (1) The name of any medical or dental school, chiropractic college,  
24 school or college of optometry, school or college of chiropody or  
25 podiatry, school or college of natureopathy, school of dental hygiene,  
26 school of physical therapy or other school or institution giving  
27 instruction in the healing arts attended by the health care provider and  
28 the date of graduation;

29 (2) The site, training, discipline and inclusive dates of any  
30 completed postgraduate education or other professional education  
31 required pursuant to the applicable licensure section of the general  
32 statutes;

33 (3) The area of the health care provider's practice specialty;

34 (4) The address of the health care provider's primary practice  
35 location or primary practice locations, if more than one;

36 (5) A list of languages, other than English, spoken at the health care  
37 provider's primary practice locations;

38 (6) An indication of any disciplinary action taken against the health

39 care provider by the department, the appropriate state board or any  
40 professional licensing or disciplinary body in another jurisdiction;

41 (7) Any current certifications issued to the health care provider by a  
42 specialty board of the health care provider's profession recognized by  
43 the department;

44 (8) The hospitals and nursing homes at which the health care  
45 provider has been granted privileges;

46 (9) Any appointments of the physician to a Connecticut medical or  
47 dental school faculty or the faculty of any other school or institution  
48 giving instruction in the healing arts and an indication as to whether  
49 the health care provider has current responsibility for graduate  
50 professional education;

51 (10) A listing of the health care provider's publications in peer  
52 reviewed literature;

53 (11) A listing of the health care provider's professional services,  
54 activities and awards;

55 (12) Any hospital disciplinary actions against the health care  
56 provider that resulted, within the past ten years, in the termination or  
57 revocation of the health care provider's hospital privileges for a  
58 professional disciplinary cause or reason, or the resignation from, or  
59 nonrenewal of, professional staff membership or the restriction of  
60 privileges at a hospital taken in lieu of or in settlement of a pending  
61 disciplinary case related to professional competence in such hospital;

62 (13) A description of any criminal conviction of the health care  
63 provider for a felony within the last ten years. For the purposes of this  
64 subdivision, a health care provider shall be deemed to be convicted of  
65 a felony if the health care provider pleaded guilty or was found or  
66 adjudged guilty by a court of competent jurisdiction or has been  
67 convicted of a felony by the entry of a plea of nolo contendere;

68 (14) To the extent available, and consistent with the provisions of

69 subsection (c) of this section, all professional malpractice court  
70 judgments and all professional malpractice arbitration awards against  
71 the health care provider in which a payment was awarded to a  
72 complaining party during the last ten years, and all settlements of  
73 professional malpractice claims against the health care provider in  
74 which a payment was made to a complaining party within the last ten  
75 years;

76 (15) An indication as to whether the health care provider is actively  
77 involved in patient care; and

78 (16) The name of the health care provider's professional liability  
79 insurance carrier.

80 (c) Any report of a professional malpractice judgment or award  
81 against a health care provider made under subdivision (14) of  
82 subsection (b) of this section shall comply with the following: (1)  
83 Dispositions of paid claims shall be reported in a minimum of three  
84 graduated categories indicating the level of significance of the award  
85 or settlement; (2) information concerning paid professional malpractice  
86 claims shall be placed in context by comparing an individual health  
87 care provider's professional malpractice judgments, awards and  
88 settlements to the experience of other health care providers licensed in  
89 Connecticut who perform procedures and treat patients with a similar  
90 degree of risk; (3) all judgment award and settlement information  
91 reported shall be limited to amounts actually paid by or on behalf of  
92 the health care provider; and (4) comparisons of professional  
93 malpractice payment data shall be accompanied by (A) an explanation  
94 of the fact that health care providers treating certain patients and  
95 performing certain procedures are more likely to be the subject of  
96 litigation than others and that the comparison given is for health care  
97 providers who perform procedures and treat patients with a similar  
98 degree of risk; (B) a statement that the report reflects data for the last  
99 ten years and the recipient should take into account the number of  
100 years the health care provider has been in practice when considering  
101 the data; (C) an explanation that an incident giving rise to a

102 professional malpractice claim may have occurred years before any  
103 payment was made due to the time lawsuits take to move through the  
104 legal system; (D) an explanation of the effect of treating high-risk  
105 patients on a health care provider's professional malpractice history;  
106 and (E) an explanation that professional malpractice cases may be  
107 settled for reasons other than liability and that settlements are  
108 sometimes made by the insurer without the health care provider's  
109 consent. Information concerning all settlements shall be accompanied  
110 by the following statement: "Settlement of a claim may occur for a  
111 variety of reasons that do not necessarily reflect negatively on the  
112 professional competence or conduct of the health care provider. A  
113 payment in settlement of a professional malpractice action or claim  
114 should not be construed as creating a presumption that professional  
115 malpractice has occurred."

116 (d) Pending professional malpractice claims against a health care  
117 provider and actual amounts paid by or on behalf of a health care  
118 provider in connection with a professional malpractice judgment,  
119 award or settlement shall not be disclosed by the department to the  
120 public. This subsection shall not be construed to prevent the  
121 department from investigating and disciplining a health care provider  
122 on the basis of professional malpractice claims that are pending.

123 (e) Prior to the initial release of a health care provider's profile to the  
124 public, the department shall provide the health care provider with a  
125 copy of the health care provider's profile. Additionally, any  
126 amendments or modifications to the profile that were not supplied by  
127 the health care provider or not generated by the department itself shall  
128 be provided to the health care provider for review prior to release to  
129 the public. A health care provider shall have sixty days from the date  
130 the department mails or delivers the prepublication copy to dispute  
131 the accuracy of any information that the department proposes to  
132 include in such profile and to submit a written statement setting forth  
133 the basis for such dispute. If a health care provider does not notify the  
134 department that the health care provider disputes the accuracy of such  
135 information within such sixty-day period, the department shall make

136 the profile available to the public and the health care provider shall be  
137 deemed to have approved the profile and all information contained in  
138 the profile. If a health care provider notifies the department that the  
139 health care provider disputes the accuracy of such information in  
140 accordance with this subsection, the health care provider's profile shall  
141 be released to the public without the disputed information, but with a  
142 statement to the effect that information in the identified category is  
143 currently the subject of a dispute and is therefore not currently  
144 available. Not later than thirty days after the department's receipt of  
145 notice of a dispute, the department shall review any information  
146 submitted by the health care provider in support of such dispute and  
147 determine whether to amend the information contained in the profile.  
148 In the event that the department determines not to amend the disputed  
149 information, the disputed information shall be included in the profile  
150 with a statement that such information is disputed by the health care  
151 provider.

152 (f) A health care provider may elect to have the health care  
153 provider's profile omit information provided pursuant to subdivisions  
154 (9) to (11), inclusive, of subsection (b) of this section. In collecting  
155 information for such profiles and in the dissemination of such profiles,  
156 the department shall inform health care providers that they may  
157 choose not to provide the information described in said subdivisions  
158 (9) to (11), inclusive.

159 (g) Each profile created pursuant to this section shall include the  
160 following statement: "This profile contains information that may be  
161 used as a starting point in evaluating a health care provider. This  
162 profile should not, however, be your sole basis for selecting a health  
163 care provider."

164 (h) The department shall maintain a web site on the Internet, within  
165 available appropriations, for use by the public in obtaining profiles of  
166 health care providers.

167 (i) No state law that would otherwise prohibit, limit or penalize

168 disclosure of information about a health care provider shall apply to  
169 disclosure of information required by this section.

170 (j) All information provided by a health care provider pursuant to  
171 this section shall be subject to the penalty for false statement under  
172 section 53a-157b of the general statutes.

173 (k) Except for the information in subdivisions (1), (2), (10) and (11)  
174 of subsection (b) of this section, a health care provider shall notify the  
175 department of any changes to the information required in subsection  
176 (b) of this section not later than sixty days after such change.

177 Sec. 2. Section 20-29 of the general statutes is repealed and the  
178 following is substituted in lieu thereof (*Effective January 1, 2010*):

179 The Board of Chiropractic Examiners may take any of the actions set  
180 forth in section 19a-17 of the 2008 supplement to the general statutes  
181 for any of the following reasons: (1) The employment of fraud or  
182 deception in obtaining a license, (2) habitual intemperance in the use of  
183 ardent spirits, narcotics or stimulants to such an extent as to  
184 incapacitate the user for the performance of professional duties, (3)  
185 violation of any provisions of this chapter or regulations adopted  
186 hereunder, (4) engaging in fraud or material deception in the course of  
187 professional services or activities, (5) physical or mental illness,  
188 emotional disorder or loss of motor skill, including but not limited to,  
189 deterioration through the aging process, (6) illegal, incompetent or  
190 negligent conduct in the practice of chiropractic, [or] (7) failure to  
191 maintain professional liability insurance or other indemnity against  
192 liability for professional malpractice as provided in subsection (a) of  
193 section 20-28b, or (8) failure to provide information requested by the  
194 Department of Public Health for the purposes of completing a health  
195 care provider profile, as required by section 1 of this act. Any  
196 practitioner against whom any of the foregoing grounds for action  
197 under said section 19a-17 of the 2008 supplement to the general  
198 statutes are presented to said board shall be furnished with a copy of  
199 the complaint and shall have a hearing before said board. The hearing

200 shall be conducted in accordance with the regulations established by  
201 the Commissioner of Public Health. Said board may, at any time  
202 within two years of such action, by a majority vote, rescind such  
203 action. The Commissioner of Public Health may order a license holder  
204 to submit to a reasonable physical or mental examination if his or her  
205 physical or mental capacity to practice safely is the subject of an  
206 investigation. Said commissioner may petition the superior court for  
207 the judicial district of Hartford to enforce such order or any action  
208 taken pursuant to section 19a-17 of the 2008 supplement to the general  
209 statutes.

210 Sec. 3. Section 20-40 of the general statutes is repealed and the  
211 following is substituted in lieu thereof (*Effective January 1, 2010*):

212 Said department may refuse to grant a license to practice  
213 natureopathy or may take any of the actions set forth in section 19a-17  
214 of the 2008 supplement to the general statutes for any of the following  
215 reasons: (1) The employment of fraud or material deception in  
216 obtaining a license, (2) habitual intemperance in the use of ardent  
217 spirits, narcotics or stimulants to such an extent as to incapacitate the  
218 user for the performance of professional duties, (3) violations of the  
219 provisions of this chapter or regulations adopted hereunder, (4)  
220 engaging in fraud or material deception in the course of professional  
221 services or activities, (5) physical or mental illness, emotional disorder  
222 or loss of motor skill, including but not limited to, deterioration  
223 through the aging process, (6) illegal, incompetent or negligent  
224 conduct in his or her practice, [or] (7) failure to maintain professional  
225 liability insurance or other indemnity against liability for professional  
226 malpractice as provided in subsection (a) of section 20-39a, or (8)  
227 failure to provide information requested by the Department of Public  
228 Health for the purposes of completing a health care provider profile, as  
229 required by section 1 of this act. Any applicant for a license to practice  
230 natureopathy or any practitioner against whom any of the foregoing  
231 grounds for refusing a license or action under said section 19a-17 of the  
232 2008 supplement to the general statutes are presented to said board  
233 shall be furnished with a copy of the complaint and shall have a



234 hearing before said board in accordance with the regulations adopted  
235 by the Commissioner of Public Health. The Commissioner of Public  
236 Health may order a license holder to submit to a reasonable physical or  
237 mental examination if his or her physical or mental capacity to practice  
238 safely is the subject of an investigation. Said commissioner may  
239 petition the superior court for the judicial district of Hartford to  
240 enforce such order or any action taken pursuant to section 19a-17 of  
241 the 2008 supplement to the general statutes.

242 Sec. 4. Section 20-59 of the 2008 supplement to the general statutes is  
243 repealed and the following is substituted in lieu thereof (*Effective*  
244 *January 1, 2010*):

245 The board may take any of the actions set forth in section 19a-17 of  
246 the 2008 supplement to the general statutes for any of the following  
247 reasons: (1) Procurement of a license by fraud or material deception;  
248 (2) conviction in a court of competent jurisdiction, either within or  
249 without this state, of any crime in the practice of podiatry; (3)  
250 fraudulent or deceptive conduct in the course of professional services  
251 or activities; (4) illegal or incompetent or negligent conduct in the  
252 practice of podiatry; (5) habitual intemperance in the use of spirituous  
253 stimulants or addiction to the use of morphine, cocaine or other drugs  
254 having a similar effect; (6) aiding and abetting the practice of podiatry  
255 by an unlicensed person or a person whose license has been suspended  
256 or revoked; (7) mental illness or deficiency of the practitioner; (8)  
257 physical illness or loss of motor skill, including but not limited to,  
258 deterioration through the aging process, of the practitioner; (9)  
259 undertaking or engaging in any medical practice beyond the privileges  
260 and rights accorded to the practitioner of podiatry by the provisions of  
261 this chapter; (10) failure to maintain professional liability insurance or  
262 other indemnity against liability for professional malpractice as  
263 provided in subsection (a) of section 20-58a; (11) independently  
264 engaging in the performance of ankle surgery procedures without a  
265 permit, in violation of section 20-54 of the 2008 supplement to the  
266 general statutes; [or] (12) violation of any provision of this chapter or  
267 any regulation adopted hereunder; or (13) failure to provide

268 information requested by the Department of Public Health for the  
269 purposes of completing a health care provider profile, as required by  
270 section 1 of this act. The Commissioner of Public Health may order a  
271 license holder to submit to a reasonable physical or mental  
272 examination if his physical or mental capacity to practice safely is the  
273 subject of an investigation. Said commissioner may petition the  
274 superior court for the judicial district of Hartford to enforce such order  
275 or any action taken pursuant to section 19a-17 of the 2008 supplement  
276 to the general statutes. The clerk of any court in this state in which a  
277 person practicing podiatry has been convicted of any crime shall, upon  
278 such conviction, make written report, in duplicate, to the Department  
279 of Public Health of the name and residence of such person, the crime of  
280 which such person was convicted and the date of conviction; and said  
281 department shall forward one of such duplicate reports to the board.

282 Sec. 5. Subsection (a) of section 20-73a of the general statutes is  
283 repealed and the following is substituted in lieu thereof (*Effective*  
284 *January 1, 2010*):

285 (a) The Board of Examiners for Physical Therapists shall have  
286 jurisdiction to hear all charges of conduct that fails to conform to the  
287 accepted standards of the practice of physical therapy brought against  
288 any person licensed as a physical therapist or physical therapist  
289 assistant and, after holding a hearing, written notice of which shall be  
290 given to the person complained of, the board, if it finds such person to  
291 be guilty, may revoke or suspend such person's license or take any of  
292 the actions set forth in section 19a-17 of the 2008 supplement to the  
293 general statutes. Any proceedings relative to such action may be begun  
294 by the filing of written charges with the Commissioner of Public  
295 Health. The causes for which such action may be taken are as follows:  
296 (1) Conviction in a court of competent jurisdiction, either within or  
297 without this state, of any crime in the practice of such person's  
298 profession; (2) illegal, incompetent or negligent conduct in the practice  
299 of physical therapy or in the supervision of a physical therapist  
300 assistant; (3) aiding or abetting the unlawful practice of physical  
301 therapy; (4) treating human ailments by physical therapy without the

302 oral or written referral by a person licensed in this state or in a state  
303 having licensing requirements meeting the approval of the appropriate  
304 examining board in this state to practice medicine and surgery,  
305 podiatry, natureopathy, chiropractic or dentistry if such referral is  
306 required pursuant to section 20-73; (5) failure to register with the  
307 Department of Public Health as required by law; (6) fraud or deception  
308 in obtaining a license; (7) engaging in fraud or material deception in  
309 the course of professional services or activities; (8) failure to comply  
310 with the continuing education requirements of section 20-73b of the  
311 2008 supplement to the general statutes; [or] (9) violation of any  
312 provision of this chapter, or any regulation adopted under this  
313 chapter; or (10) failure to provide information requested by the  
314 department for the purposes of completing a health care provider  
315 profile, as required by section 1 of this act.

316 Sec. 6. Subsection (b) of section 20-99 of the general statutes is  
317 repealed and the following is substituted in lieu thereof (*Effective*  
318 *January 1, 2010*):

319 (b) Conduct which fails to conform to the accepted standards of the  
320 nursing profession includes, but is not limited to, the following: (1)  
321 Fraud or material deception in procuring or attempting to procure a  
322 license to practice nursing; (2) illegal conduct, incompetence or  
323 negligence in carrying out usual nursing functions; (3) physical illness  
324 or loss of motor skill, including but not limited to deterioration  
325 through the aging process; (4) emotional disorder or mental illness; (5)  
326 abuse or excessive use of drugs, including alcohol, narcotics or  
327 chemicals; (6) fraud or material deception in the course of professional  
328 services or activities; (7) wilful falsification of entries in any hospital,  
329 patient or other record pertaining to drugs, the results of which are  
330 detrimental to the health of a patient; [and] (8) conviction of the  
331 violation of any of the provisions of this chapter by any court of  
332 criminal jurisdiction; and (9) with respect to an advanced practice  
333 registered nurse, failure to provide information requested by the  
334 department for the purposes of completing a health care provider  
335 profile, as required by section 1 of this act. The Commissioner of Public

336 Health may order a license holder to submit to a reasonable physical or  
337 mental examination if his physical or mental capacity to practice safely  
338 is the subject of an investigation. Said commissioner may petition the  
339 superior court for the judicial district of Hartford to enforce such order  
340 or any action taken pursuant to section 19a-17 of the 2008 supplement  
341 to the general statutes.

342 Sec. 7. Subsection (a) of section 20-114 of the general statutes is  
343 repealed and the following is substituted in lieu thereof (*Effective*  
344 *January 1, 2010*):

345 (a) The Dental Commission may take any of the actions set forth in  
346 section 19a-17 of the 2008 supplement to the general statutes for any of  
347 the following causes: (1) The presentation to the [department]  
348 Department of Public Health of any diploma, license or certificate  
349 illegally or fraudulently obtained, or obtained from an institution that  
350 is not reputable or from an unrecognized or irregular institution or  
351 state board, or obtained by the practice of any fraud or deception; (2)  
352 proof that a practitioner has become unfit or incompetent or has been  
353 guilty of cruelty, incompetence, negligence or indecent conduct toward  
354 patients; (3) conviction of the violation of any of the provisions of this  
355 chapter by any court of criminal jurisdiction, provided no action shall  
356 be taken under section 19a-17 of the 2008 supplement to the general  
357 statutes because of such conviction if any appeal to a higher court has  
358 been filed until the appeal has been determined by the higher court  
359 and the conviction sustained; (4) the employment of any unlicensed  
360 person for other than mechanical purposes in the practice of dental  
361 medicine or dental surgery subject to the provisions of section 20-122a;  
362 (5) the violation of any of the provisions of this chapter or of the  
363 regulations adopted hereunder or the refusal to comply with any of  
364 said provisions or regulations; (6) the aiding or abetting in the practice  
365 of dentistry, dental medicine or dental hygiene of a person not licensed  
366 to practice dentistry, dental medicine or dental hygiene in this state; (7)  
367 designating a limited practice, except as provided in section 20-106a;  
368 (8) engaging in fraud or material deception in the course of  
369 professional activities; (9) the effects of physical or mental illness,

370 emotional disorder or loss of motor skill, including but not limited to,  
371 deterioration through the aging process, upon the license holder; (10)  
372 abuse or excessive use of drugs, including alcohol, narcotics or  
373 chemicals; (11) failure to comply with the continuing education  
374 requirements set forth in section 20-126c; [or] (12) failure of a holder of  
375 a dental anesthesia or conscious sedation permit to successfully  
376 complete an on-site evaluation conducted pursuant to subsection (c) of  
377 section 20-123b; or (13) failure to provide information requested by the  
378 department for the purposes of completing a health care provider  
379 profile, as required by section 1 of act. A violation of any of the  
380 provisions of this chapter by any unlicensed employee in the practice  
381 of dentistry or dental hygiene, with the knowledge of the employer,  
382 shall be deemed a violation by the employer. The Commissioner of  
383 Public Health may order a license holder to submit to a reasonable  
384 physical or mental examination if his or her physical or mental  
385 capacity to practice safely is the subject of an investigation. Said  
386 commissioner may petition the superior court for the judicial district of  
387 Hartford to enforce such order or any action taken pursuant to section  
388 19a-17 of the 2008 supplement to the general statutes.

389 Sec. 8. Subsection (a) of section 20-126o of the general statutes is  
390 repealed and the following is substituted in lieu thereof (*Effective*  
391 *January 1, 2010*):

392 (a) The Department of Public Health may take any of the actions set  
393 forth in section 19a-17 of the 2008 supplement to the general statutes  
394 for any of the following causes: (1) The presentation to the department  
395 of any diploma, license or certificate illegally or fraudulently obtained,  
396 or obtained from an institution that is not accredited or from an  
397 unrecognized or irregular institution or state board, or obtained by the  
398 practice of any fraud or deception; (2) illegal conduct; (3) negligent,  
399 incompetent or wrongful conduct in professional activities; (4)  
400 conviction of the violation of any of the provisions of sections 20-126h  
401 to 20-126w, inclusive, by any court of criminal jurisdiction; (5) the  
402 violation of any of the provisions of said sections or of the regulations  
403 adopted hereunder or the refusal to comply with any of said

404 provisions or regulations; (6) the aiding or abetting in the practice of  
405 dental hygiene of a person not licensed to practice dental hygiene in  
406 this state; (7) engaging in fraud or material deception in the course of  
407 professional activities; (8) the effects of physical or mental illness,  
408 emotional disorder or loss of motor skill, including but not limited to,  
409 deterioration through the aging process, upon the license holder; [or]  
410 (9) abuse or excessive use of drugs, including alcohol, narcotics or  
411 chemicals; or (10) failure to provide information requested by the  
412 department for the purposes of completing a health care provider  
413 profile, as required by section 1 of this act. A violation of any of the  
414 provisions of sections 20-126h to 20-126w, inclusive, by any unlicensed  
415 employee in the practice of dental hygiene, with the knowledge of his  
416 employer, shall be deemed a violation thereof by his employer. The  
417 Commissioner of Public Health may order a license holder to submit to  
418 a reasonable physical or mental examination if his physical or mental  
419 capacity to practice safely is the subject of an investigation. Said  
420 commissioner may petition the superior court for the judicial district of  
421 Hartford to enforce such order or any action taken pursuant to said  
422 section 19a-17 of the 2008 supplement to the general statutes.

423 Sec. 9. Section 20-133 of the general statutes is repealed and the  
424 following is substituted in lieu thereof (*Effective January 1, 2010*):

425 The board may take any of the actions set forth in section 19a-17 of  
426 the 2008 supplement to the general statutes after notice and hearing,  
427 for any of the following reasons: (1) Conviction in a court of competent  
428 jurisdiction, either within or without this state, of any crime in the  
429 practice of optometry; (2) illegal or incompetent or negligent conduct  
430 in the practice of optometry; (3) publication or circulation of any  
431 fraudulent or misleading statement; (4) aiding or abetting the practice  
432 of optometry by an unlicensed person or a person whose license has  
433 been suspended or revoked; (5) presentation to the department of any  
434 diploma, license or certificate illegally or fraudulently obtained, or  
435 from an unrecognized or irregular institution or state board, or  
436 obtained by the practice of any fraud or deception; (6) violation of any  
437 provision of this chapter or any regulation adopted hereunder; (7) the

438 effects of physical or mental illness, emotional disorder or loss of  
 439 motor skill, including but not limited to, deterioration through the  
 440 aging process, upon the practitioner; (8) abuse or excessive use of  
 441 drugs, including alcohol, narcotics or chemicals; [or] (9) failure to  
 442 maintain professional liability insurance or other indemnity against  
 443 liability for professional malpractice as required by section 20-133b; or  
 444 (10) failure to provide information requested by the Department of  
 445 Public Health for the purposes of completing a health care provider  
 446 profile, as required by section 1 of this act. The Commissioner of Public  
 447 Health may order a license holder to submit to a reasonable physical or  
 448 mental examination if his or her physical or mental capacity to practice  
 449 safely is the subject of an investigation. Said commissioner may  
 450 petition the superior court for the judicial district of Hartford to  
 451 enforce such order or any action taken pursuant to section 19a-17 of  
 452 the 2008 supplement to the general statutes. The license of any  
 453 optometrist who peddles optical goods, or solicits orders therefor,  
 454 from door to door, or who establishes a temporary office, may be  
 455 revoked, and said department may refuse to renew such license. The  
 456 license of any optometrist who employs solicitors or obtains money by  
 457 fraud or misrepresentation in connection with the conduct of the  
 458 profession of optometry shall be revoked, and said department shall  
 459 not renew such license. The violation of any of the provisions of this  
 460 chapter by any unlicensed employee in the employ of an optometrist,  
 461 with the knowledge of his employer, shall be deemed to be a violation  
 462 thereof by his employer; and continued violation by such an  
 463 unlicensed employee shall be deemed prima facie knowledge on the  
 464 part of such employer. Nothing [herein contained] in this section shall  
 465 be construed as prohibiting the conducting of clinics or visual surveys  
 466 when they are conducted without profit."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2010</i>	New section
Sec. 2	<i>January 1, 2010</i>	20-29
Sec. 3	<i>January 1, 2010</i>	20-40

Sec. 4	<i>January 1, 2010</i>	20-59
Sec. 5	<i>January 1, 2010</i>	20-73a(a)
Sec. 6	<i>January 1, 2010</i>	20-99(b)
Sec. 7	<i>January 1, 2010</i>	20-114(a)
Sec. 8	<i>January 1, 2010</i>	20-126o(a)
Sec. 9	<i>January 1, 2010</i>	20-133